

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

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KEITH WAGNER,

Plaintiff,

-against-

ROMAN CATHOLIC DIOCESE OF BROOKLYN a/k/a
DIOCESE OF BROOKLYN, OUR LADY OF VICTORY
a/k/a ST. MARTIN de PORRES WEST, ST. MARTIN de
PORRIS PARISH and "FIRST NAME UNKNOWN"
WILLIAMS,

Defendants.

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TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Defendant's address:

ROMAN CATHOLIC DIOCESE OF
BROOKLYN a/k/a DIOCESE OF BROOKLYN
310 Prospect Park West
Brooklyn, New York 11215

OUR LADY OF VICTORY a/k/a ST. MARTIN
de PORRES WEST
583 Throop Avenue
Brooklyn, New York 11216

ST. MARTIN de PORRIS PARISH
c/o Our Lady of Victory
583 Throop Avenue
Brooklyn, New York 11216

Dated: Brooklyn, New York
August 14, 2019

Index #

Date of filing:

Plaintiff designates Kings
County as the place of trial

Basis of the venue is Plaintiff's
residence

SUMMONS

Plaintiff resides at
54 Boerum Street, Apt. # 6M
Brooklyn, New York 11206

County of Kings

Plaintiff's attorneys:

RUBENSTEIN & RYNECKI, ESQS.
16 Court Street, Suite 1717
Brooklyn, New York 11241
(718)522-1020

**SUPREME COURT OF STATE OF NEW YORK
COUNTY OF KINGS**

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KEITH WAGNER,

Index No.:

Plaintiff,

-against-

COMPLAINT

ROMAN CATHOLIC DIOCESE OF BROOKLYN a/k/a
DIOCESE OF BROOKLYN, OUR LADY OF VICTORY
a/k/a ST. MARTIN de PORRES WEST, ST. MARTIN de
PORRIS PARISH and "FIRST NAME UNKNOWN"
WILLIAMS,

Defendants.

-----X

Plaintiff, by his attorneys, RUBENSTEIN & RYNECKI, ESQS., complaining of the defendants herein, upon information and belief, respectfully show to this Court, and allege as follows:

INTRODUCTION

1. This Complaint is based on the childhood sexual abuse, assault, and molestation of Plaintiff, KEITH WAGNER ("Plaintiff"), caused by the negligent, willful, wanton, reckless, and tortious acts of Roman Catholic Diocese of Brooklyn a/k/a Diocese of Brooklyn ("RCDB"), Our Lady of Victory a/k/a St. Martin de Porres West ("OLV"), St. Martin DePorris Parrish ("SMDP") and "First name unknown" Williams ("Williams").

2. This Action is brought pursuant to the newly enacted Child's Victim Act ("CVA").

3. The CVA allows individual whom a sexual offense(s) was committed against as a child, recourse against those who both committed the sexual offense and/or those who permitted the sexual offense to occur and failed to address it.

4. The Roman Catholic Diocese of Brooklyn founded in 1853, which serves almost 1.5 million Catholics in the borough of Brooklyn and Queens in the State of New York.

5. Within the borders of the RCDB is the seventh largest Catholic school network in the United States, with 85 elementary schools and academies that currently educates more than 27,000 students.

6. The RCDB boasts that Catholic education provides students with a values-based education, rooted in the mission of the Catholic Church and that Catholic education is focused on the whole child in mind, body and soul in a safe, caring and supportive learning environment.

7. Despite carrying itself out as a “safe, caring and supportive learning environment”, the RCDB has been surreptitiously removing priests, teachers, and administrators for child sexual abuse at a terrifying and shocking rate.

8. Notwithstanding this knowledge and relationship of trust owed to the children in their schools and the parents who enrolled their children in the RCDB, OLV, SMDP, the RCDB OLV, SMDP negligently, recklessly, and willfully failed to protect plaintiff from William’s sexual abuse, permitted the abuse to occur, neglected to adequately supervise Williams, failed to timely investigate William’s misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for William’s sexual assault of Plaintiff and his consequential injuries and damage.

9. Due to the defendants’ negligent, reckless, and carelessness, and willful misconduct, Plaintiff Keith Wagner (“Wagner”), a minor, suffered grave physical harm, severe mental, emotional, and psychological pain and anguish. William’s abuse of Wagner not only destroyed Wagner’s childhood, but severely damaged Wagner for life. Wagner’s pain and mental anguish is continuing and permanent.

THE PARTIES

10. The plaintiff, Keith Wagner, is a citizen and resident of New York, Kings County.

11. Wagner was born in 1958, at all times relevant hereto, plaintiff was a minor in Kings County and a student at OLV.

12. At all times relevant hereto, Defendant, RCDB was and is a non-profit corporation duly existing under the laws of the State of New York with a principle place of business in Kings County in the State of New York. RCDB is authorized to do business and is doing business in the State of New York, and in Kings County, through various local and regional organizations including churches and schools.

13. RCDB is a nonprofit organization that operates, promotes, oversees, sets standards, and establishes policies, protocols, and procedures and is authorized to do business and is doing business in the State of New York, Kings County.

14. Our Lady of Victory ("OLV") was and is a Catholic Church and non-profit corporation which ran an elementary school located at Macon Street and Throop Street serving the Bedford Stuyvesant community in Brooklyn, New York for over 150 years.

15. The St. Martin DePorres Parrish ("SMDP") was and is a not profit corporation consisting of three churches, including OLV in Bedford-Stuyvesant area of Brooklyn, New York, which operates, directs, controls OLV's church and school.

16. RCDB grants charters to local councils and organizations to operate and conduct Catholic activities within their geographic area including OLV and SMDP .

17. The RCDB, oversaw, operated, directed, and controlled a Catholic school named the Our Lady of Victory a/k/a St. Martin de Porres West at Macon Street and Throop Street in

Brooklyn New York.

18. The OLV, oversaw, operated, directed, and controlled a Catholic school named the Our Lady of Victory a/k/a St. Martin de Porres West at Macon Street and Throop Street in Brooklyn, New York.

19. The SMDP, oversaw, operated, directed, and controlled a Catholic school named the Our Lady of Victory a/k/a St. Martin de Porres West at Macon Street and Throop Street in Brooklyn, New York.

20. At all times relevant hereto, "First name unknown" Williams was a resident of Kings County, and a teacher at the OLV.

21. Defendant RCDB, operates, promotes, oversees, guides, sets standards and establishes policies, protocols, rules, regulations, and procedures for schools, nationally through various local, state, and regional parishes, including the OLV.

22. The OLV, like all RCDB schools was at all relevant times an agent of RCDB.

23. The OLV, like all SMDP schools was at all relevant times an agent of SMDP.

24. The OLV, like all RCDB schools was at all relevant times, is and was controlled, directed, overseen, and maintained by the RCDB.

25. The OLV, like all SMDP schools was at all relevant times, is and was controlled, directed, overseen, and maintained by the SMDP.

26. The RCDB, OLV, and SMDP are collectively referred herein to as "Catholic School Defendants".

27. At all times relevant hereto, the Catholic School Defendants acted by and through their agents, representatives, teachers, priests, administrators, volunteers, employers, and/or servants.

28. At all times relevant hereto, the Catholic School Defendants operated various schools, including OLV, and authorized, hired, employed, approved, ratified, and selected adults to serve as priests, administrators, and teachers.

29. At all times relevant hereto, the Catholic School Defendants were responsible for the hiring, retention, directions, and supervision of adults, including Williams, as a teacher.

30. The Catholic School Defendants, acting by and through their duly authorized agents, representatives, teachers, volunteers, employees, and/or servants, operated, directed, maintained, and/or controlled OLV in Kings, County, in the State of New York.

31. At all times relevant hereto, then minor, plaintiff Keith Wagner, was a student in OLV.

32. At all times relevant hereto, Williams was a fifth grade teacher at OLV.

33. At all times relevant hereto, Williams was selected, accepted, ratified, hired, employed, approved, and authorized by the Catholic School Defendants to serve in his capacity for the purpose of educating, instructing, and training young children, including plaintiff, in morality, education, religion, and various life skills.

34. At all times relevant hereto, Williams served and acted as a duly authorized and ratified agent, employee, servant, representative, and/or volunteer of the Catholic School Defendants, and was subject of, the authority, direction, and control of the Catholic School defendants.

35. Williams, at all relevant times was a teacher and agent, employee, volunteer, servant, representative of the Catholic School Defendants and acted within the scope of his employment.

FACTS

36. In or around 1969, and at all times hereinafter mentioned belief, the plaintiff was a fifth grade student at OLV.

37. At all times relevant hereto, for the purposes of his duties as a fifth grade teacher, Williams, sought and gained the then minor Wagner's trust, admiration, and obedience.

38. At all times relevant herein, Wagner was conditioned to comply with Williams's direction as an authority figure.

39. At all times relevant hereto, using the power, authority and trust of his position as a teacher and availing himself of the Catholic School Defendants' representations to parents that the OLV was a moral and safe place for young children, Williams coerced and forced Wagner to engage in multiple deviant sexual acts with him.

40. At all times relevant hereto, Williams used physical and emotional force to impose his will on then minor Wagner, in order to commit multiple grievous acts of sexual abuse upon then minor Wagner, all of which constituted flagrant abuse of the power and authority authorized to him by the Catholic School Defendants.

41. At all times relevant hereto, Williams used physical and emotional force to impose his will on then minor Wagner, by forcing him to disrobe, become undressed, where Williams proceeded to sexually abuse, molest, and perform all sorts of deviant sexual acts including but not limited to fondling of Wagner's genitals, among other unimaginable acts, all of which constituted flagrant abuse of the power and authority authorized to him by the Catholic Defendants.

42. Upon information and belief, during that same period of time, the Catholic School Defendants knew, or should have known, that Williams, teachers, priests, and administrators,

routinely had juvenile children from OLV, undress, participate in illegal sexual misconduct between Williams and the juveniles, including fondling, choking, masturbation, and be subject to physical and psychological torture.

43. Upon information and belief, during that same period of time, the Catholic School defendants knew, or should have known that Williams and other priests, and teachers routinely exposed themselves to numerous juveniles and touched, fondled, and performed oral sex and anal penetration upon minors.

44. During that same period of time, the Catholic School defendants knew, or should have known, that Williams, priests, and teachers, routinely took juveniles frequently without any other adult supervision, and those juveniles were forced by his authority role to perform deviant sexual acts, including but not limited to fondling, masturbation, oral sex, and anal penetration and be subject to other physical and psychological torture.

45. As a result of the foregoing, Wagner has suffered and/or continues to suffer physical, psychological, and emotional injuries. These injuries include, severe depression, post-traumatic stress disorder, and anxiety, sever emotional distress, guilt, shame, and embarrassment.

46. Prior to and at the time of Williams's abuse of Wagner, the Catholic School Defendants knew or should have known of numerous sexual assaults committed by its priests and teachers, including specific acts committed by Williams.

47. None of the Catholic School Defendants, any of their agents, or employees, undertook any background investigation of Williams, before authorizing and approving him to be a teacher at OLV.

48. None of the Catholic School Defendants, any of their agents, or employees,

undertook any background investigation of Williams, or instructed anyone at OLV regarding the known and documented risks of pedophiles becoming teachers and harming children.

49. None of the Catholic School Defendants, any of their agents, or employees, instructed anyone OLV regarding screening selection, and background checks to prevent the known and documented risk of pedophiles becoming teachers and harming children.

50. Upon Information and belief, not only was the Catholic School Defendants aware of Williams's and other teachers, priests, and administrators sexual abuse of children, but it participated in covering up such acts, putting additional children in harm's way.

51. The Catholic School defendants knew, or should have known pedophiles would be attracted to positions within the church and its schools, and had a duty to test, screen, and investigate the background of application for teachers, including Williams.

52. Prior to and at the time of Williams's abuse of Wagner, the Catholic School Defendants knew or should have known of Williams's propensity to sexual abuse young children.

53. Prior to hiring Williams, the Catholic School Defendants failed to properly screen and investigate Williams, so as to discover his propensity for sexual misconduct and abuse of children, his lack of qualifications to serve in his capacity as was hired by the Catholic School Defendants, and the danger he posed to children in in his charge, including Wagner.

54. Prior to and at the time of Williams's abuse of Wagner, the Catholic School Defendants failed to take steps to protect Wagner from abuse by Williams.

55. Upon information and belief, The Catholic School Defendants knew for decades that sexual predators of minors had infiltrated its church and schools. The Catholic School Defendants knew or should have known the dangers that pedophiles presented to children and

either knew or should have known the danger Williams presented to children, including Wagner, but instead ignored that danger and permitted him and other pedophiles in its schools to prey upon young children, including then minor, Wagner.

56. The conduct alleged herein constitutes a sexual offense as defined in the New York Penal Law.

57. The conduct alleged herein was committed against Wagner at a time when Wagner was less than eighteen years of age.

**AND FOR A FIRST CAUSE OF ACTION FOR ASSAULT AND BATTERY,
SEXUAL MOLESTATION ABUSE OF A MINOR, SEXUAL BATTERY**

58. That at all times hereinafter mentioned, the plaintiffs repeat, reiterate and reallege each and every allegation contained in the paragraphs of this Complaint designated as "1" through "57" herein, as though more fully set forth herein at length.

59. During the school years of 1968-1970, in Kings County and elsewhere, Williams intentionally seduced, sexually touched, molested, touched genitals, and other lewd and lascivious acts upon Wagner, who at all times, was a minor, in violation of the New York Penal Code.

60. The seduction, sexual touching, molestations and masturbation were committed against Wagner will and without his consent, and Wagner did not comprehend or understand what Williams was doing or the harm it would cause him.

61. By reason the age of the plaintiff at the time of the molestation and sexual abuses, the plaintiff was unable to perceive the harm posed to him by the defendant and or his conduct or omissions, and could not consent to the sexual and physical conduct by Williams and did not consent.

62. On all times relevant hereto, Wagner was a student at the OLV, was engaged in school related activities and was under the custody, care and control of Williams, who was an agent, employee, volunteer, servant, representative of the Catholic School defendants and a teacher at the OLV.

63. At all times relevant herein Williams was acting within the course and scope of his employment, appointment, and or agency of the Catholic School Defendants.

64. All defendants are liable for Williams's offensive bodily contact under the doctrine of respondeat superior.

65. As a result of all defendants wrongful acts, Wagner has sustained serious and permanent physical, psychological, and emotional injury, including but not limited to post traumatic stress disorder, severe depression, anxiety and was and will be caused to suffer such injuries indefinitely into the future.

66. As a result of the defendants' wrongful acts, Wagner was required to seek medical attention to examine, treat him, and incurred expenses and will require future treatment, the amount which is unknown at this time.

67. The wrongful acts of defendants' were willful, malicious, intentional, and were committed with full knowledge that they constituted a crime and that they would cause permanent physical and emotional harm to Wagner.

68. The aforementioned wrongful acts were performed knowingly, intentionally and willfully.

69. The aforementioned wrongful acts were performed negligently and recklessly.

70. By reason of the foregoing, the plaintiff demands judgment against all defendants, in a sum exceeding the jurisdictional limits of all the lower courts.

**AS AND FOR A SECOND CAUSE OF ACTION FOR INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS**

71. That at all times hereinafter mentioned, the plaintiffs repeat, reiterate and reallege each and every allegation contained in the paragraphs of this Complaint designated as "1" through "70" herein, as though more fully set forth herein at length.

72. The sexual abuse of Wagner, when he was a minor was extreme and outrageous, beyond all possible bounds of decency.

73. Williams acted intentionally, maliciously, and recklessly, for the purpose of causing severe emotional and physical distress to Wagner.

74. Defendants knew or disregarded the substantial probability that Williams's conduct would cause severe physical, psychological, and emotional distress to Wagner.

75. In performing these wrongful acts, Williams abused his position as teacher and acted wantonly and reckless with complete disregard for the consequences to Wagner and others.

76. Because of Williams's sexual abuse, Wagner suffered severe physical, psychological, and emotional injury.

77. At the time of Williams's misconduct and sexual abuse, he was acting at the direction of, and with authority invested in him, in a position of power, by the Catholic School defendants, and was otherwise acting the course and scope of his employment by the Catholic School defendants.

78. By reason of the foregoing, all defendants are liable for Williams's conduct under the doctrine of respondeat superior.

79. By reason of the foregoing, the plaintiff, demands judgment for intentional

infliction of emotional distress against all defendants, in a sum exceeding the jurisdictional limits of all the lower courts.

AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENCE

80. That at all times hereinafter mentioned, the plaintiffs repeat, reiterate and reallege each and every allegation contained in the paragraphs of this Complaint designated as "1" through "79" herein, as though more fully set forth herein at length.

81. That at all relevant times, Williams engaged in activities of harmful nature, and abused his position of trust and authority.

82. Williams utilized his role as a teacher by violating his duty of care, trust, loyalty toward plaintiff,

83. The wrongful acts and the injuries resulting therefrom were caused by the negligence, carelessness, and recklessness of Williams as a teacher for the Catholic School Defendants.

84. The wrongful acts and the injuries resulting therefrom were caused by the negligence, careless, and recklessness of the Catholic School Defendants.

85. Such negligence consisted of negligence in failing exercise ordinary care, in causing physical, emotional and psychological harm and distress to the plaintiff; in humiliating the plaintiff; in inappropriately touching the plaintiff, in sexually abusing the plaintiff; in instructing other minors to hold, constrain the plaintiff; in abusing his position of authority;; in undressing the plaintiff; in touching the plaintiff's genitals; in fondling the plaintiff's genitals; in attempting other various devious sexual acts; in breaching the fiduciary duty; in acting from a position of power and control over the minor plaintiff; in breaching the trust and loyalty to the plaintiff; in covering-up Williams's wrongful acts; in failing to properly screen Williams; in

allowing pedophiles to be around young children; in failing to investigate the previous activities of Williams; in failing to investigate the background, character and fitness of Williams to serve as a teacher, in failing to adequately investigate and/or inquire into Williams's background or history; in failing to adequately investigate Williams's prior relationships with minor children; in failing to subject Williams to appropriate testing to uncover his pedophilic proclivities; in failing to have in place or systems policies, and procedure to monitor, and supervise teachers who work closely with or come into contact with children; in allowing Williams to travel with children with no other adults present; in failing to take prompt action to remove Williams, and complaints and suspicions of sexual molestation; in failing to adopt policies and procedures to protect children; in failing to warn parents of information regarding teachers, priests, and administrators and their propensity to engage in inappropriate behavior.

86. That the Catholic School Defendants were negligent by failing to supervise the conduct and activities of Williams.

87. That Williams was negligent, reckless and careless in sexually abusing the plaintiff and the Catholic School defendants are liable for Williams's negligence under the doctrine of respondeat superior.

88. Upon Information and belief, the Catholic School Defendants engaged in a plan of action to cover up incidents of the sexual abuse of minors by teachers, priests, and administrators in its schools and prevent disclosure, prosecution, and civil litigation including but not limited to: failing to report incidents of abuse to law enforcement or child protection agencies; concealing abuse they had substantiated and failing to seek out and redress the injuries its teachers, priests, and administrators had caused; and failing to advise of the rampant problem of sexual abuse of minors by priests, teachers, and administrators.

89. Based on these actions the Catholic School defendants engaged in fraudulent concealment.

90. The Catholic School Defendants, by and through their agents representatives, conspired to cover up incidents of sexual abuse of minors by teachers, priests, and administrators, including Williams, and to prevent disclosure, prosecution and civil litigation including but not limited to: failing to report incidents of childhood sexual abuse to law enforcement or child protection agencies; denying of abuse it had substantiated; aiding criminal child molesters in evading detection, arrest and prosecution; allowing pedophiles to cross state and international borders for purposes of gaining access to parents' children, whom they could sexually abuse; failing to warn; and failing to seek out and redress the injuries its adult teachers, priests, and administrators had caused.

91. Based on these actions; the Catholic School Defendants, by and through their agents and representatives, conspired for the unlawful purposed of concealing and suppressing information on the danger and treat that Williams posed to unsuspecting children including Wagner.

92. As the result of said negligence, the plaintiff was caused to suffer severe physical injuries and pain and suffering; emotional and psychological distress and horror.

93. By reason of the foregoing, the plaintiff, demands judgment against all the defendant, in a sum exceeding the jurisdictional limits of all the lower courts.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION, AND SUPERVISION**

94. That at all times hereinafter mentioned, the plaintiffs repeat, reiterate and reallege each and every allegation contained in the paragraphs of this Complaint designated as

"1" through "93" herein, as though more fully set forth herein at length.

95. That at all times hereinafter mentioned, the Williams was hired or otherwise retained, appoint, employed by the Catholic School Defendants

96. The position for which Williams was employed required him to work closely with young children, such as Wagner.

97. Defendants owed a duty to minor entrusted to their care, and because defendants through their hiring, appointment and or retention of Williams as a teacher for OLV, could be safely entrusted.

98. Defendants breached their duty by negligently hiring, appointing, retaining, supervising, directing, Williams, and in failing to protect Wagner from a sexual predator.

99. Defendants had a duty to exercise care in hiring, retaining, and supervising teachers such as Williams, as to prevent dangerous individuals, who were there for the safety of children involved in their schools, including Wagner.

100. That the defendants, has as a matter of policy and practice and with deliberate indifference failed to adequately train, supervise, discipline, sanction or otherwise direct it's teachers, including, but not limited to Williams.

101. The defendant, knew or should have known that their failure to adequately address these issues within the Catholic School defendants had caused problems in the past, and would continue to cause problems in the future, including allowing pedophiles near minors because of the failure to adopt and implement adequate policies, procedures and practices and to adequately screen, train, supervise and/or disciple teachers engaging in, or likely engage in such behavior.

102. The defendants negligently failed to hire, retain, supervise, individuals who could safely act as teachers for minors, by failing to conduct proper background checks on Williams, by

failing to train the local churches and administrators in proper testing screening, and selection of Williams, as a teacher, by failing to monitor and supervise Williams's training and activities as teacher. Defendants negligently managed, controlled, supervised, taught, educated, oversaw OLV and all of the Catholic School defendants over the years, including the plaintiff.

103. Defendants were negligent careless in they knew or should have known that Williams was immoral, irresponsible, disturbed, a pedophile, and was likely to sexually abuse and molest and commit deviant sexual acts upon Wagner, and other minors. Defendants were negligent careless in they knew or should have known that or knew that Williams, sleeping with minors on unsupervised trips; forcing minors to undress, forcibly sexually touching minors, and attempting to perform oral sex and anal penetration on minors.

104. Defendants were negligent careless in they knew or should have known that Williams was a pedophile and should have carefully supervised him and limited or prohibited his activities with all minors including Wagner.

105. Defendants were negligent in hiring Williams because they knew or should have known of Williams's propensity to develop inappropriate relationships with children in his charge, and then to engage minors in sexual acts and had knowledge of facts that would have caused a reasonably prudent person to reject Williams as a candidate for working with young children, including Wagner.

106. Defendants had a duty to provide reasonable supervision and direction of Williams, to use reasonable care in investigating and supervising Williams's conduct, to provide adequate warning to parents and the children, of Williams's dangerous propensities, and to remove him from their employ when he threaten the safety of the children he was entrusted to protect.

107. But for the defendants' inaction in hiring, retaining, and failure to supervise Williams and in failing to use reasonable care to correct and remove Williams from his duties, he would not have been in the position to sexually abuse Wagner, and other minors as a teacher at the OLV.

108. As a result of defendants' negligence, Wagner suffered severe physical, psychological, and emotional injuries.

109. At all times material to this complaint, the defendants failed to properly train, screen, supervise, or discipline its employees and teachers, including Williams, and failed to inform the defendants' supervisor of their need to train, screen, supervise or discipline the individual.

110. Upon Information and belief, the Catholic School Defendants engaged in a plan of action to cover up incidents of the sexual abuse of minors by teachers, priests, and administrators and prevent disclosure, prosecution, and civil litigation including but not limited to: failing to report incidents of abuse to law enforcement or child protection agencies; concealing abuse they had substantiated and failing to seek out and redress the injuries its teachers and priests had caused.

111. Based on these actions the Catholic School defendants engaged in fraudulent concealment.

112. Such negligence consisted of negligence in failing exercise ordinary care, in causing physical, emotional and psychological harm and distress to the plaintiff; in humiliating the plaintiff; in inappropriately touching the plaintiff, in sexually abusing the plaintiff; in abusing his position of authority; in undressing the plaintiff; in touching the plaintiff's genitals; in fondling the plaintiff's genitals; in masturbating in front of the plaintiff; in attempting other

various devious sexual acts on the minor plaintiff, in breaching the fiduciary duty; in acting from a position of power and control over the minor plaintiff; in breaching the trust and loyalty to the plaintiff; in covering-up Williams's wrongful acts; in failing to properly screen Williams; in allowing pedophiles to be around young children; in failing to investigate the previous activities of Williams; in failing to investigate the background, character and fitness of Williams to serve as a teacher, in failing to adequately investigate and/or inquire into Williams's background or history; in failing to adequately investigate Williams's prior relationships with minor children; in failing to subject Williams to appropriate testing to uncover his pedophilic proclivities; in failing to have in place or systems policies, and procedure to monitor, and supervise teachers who work closely with or come into contact with children; in allowing Williams to travel with children with no other adults present; in failing to take prompt action to remove Williams upon complaints and suspicions of sexual molestation; in failing to adopt policies and procedures to protect children; in failing to warn parents of information regarding teachers and their propensity to engage in inappropriate behavior.

113. The Catholic School Defendants, by and through their agents representatives, conspired to cover up incidents of sexual abuse of minors by priests, teachers, and administrators, including Williams, and to prevent disclosure, prosecution and civil litigation including but not limited to: failing to report incidents of childhood sexual abuse to law enforcement or child protection agencies; denying of abuse the Catholic School defendants had substantiated; aiding criminal child molesters in evading detection, arrest and prosecution; allowing pedophile to cross state and international borders for purposes of gaining access to uniformed parents' children, whom they could sexually abuse; failing to warn; failing to seek out and redress the injuries its adult priests, teachers, and administrators had caused.

114. Based on these actions, the Catholic School Defendants, by and through their agents and representatives, conspired for the unlawful purposed of concealing and suppressing information on the danger and treat that Williams posed to unsuspecting children including Wagner.

115. Such policies, practice and deliberate indifference in failing to properly train, screen, supervise and or discipline have been described in excruciating detail in the various investigations and commissions into the Catholic School Defendants. It has served to encourage and sanction the Catholic School teachers, priests, and administrators unlawful conduct described above, and was the direct and/or a proximate cause of the sexual abuse of the plaintiff.

116. By reason of the foregoing, the plaintiff, demands judgment for against all the defendants in a sum exceeding the jurisdictional limits of all the lower courts.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR NEGLIGENT INFLICITON
OF EMOTIONAL DISTRESS**

117. That at all times hereinafter mentioned, the plaintiffs repeat, reiterate and reallege each and every allegation contained in the paragraphs of this Complaint designated as "1" through "116" herein, as though more fully set forth herein at length.

118. The sexual abuse of Wagner, when he was a minor caused severe emotional distress including physical, psychological, and emotional injury.

119. The distress was a direct result of the defendants negligent, reckless, and willful misconduct, acts, and a breach in their duties to provide a safe environment, including Wagner, free from sexual predators in authority, and free from the sexual assault that took place

120. In addition to their own direct liability for negligently inflicting emotional distress, the Catholic School defendants are liable for Williams's negligent infliction of

emotional distress under the doctrine of respondeat superior.

121. Defendants knew or disregarded the substantial probability that Williams's conduct would cause severe physical, psychological, and emotional distress to Wagner

122. By reason of the foregoing, the plaintiff, demands judgment for negligent infliction of emotional distress against all defendants, in a sum exceeding the jurisdictional limits of all the lower courts.

AS AND FOR A SEVENTH CAUSE OF ACTION FOR PUNITIVE DAMAGES

123. That at all times hereinafter mentioned, the plaintiffs repeat, reiterate and reallege each and every allegation contained in the paragraphs of this Complaint designated as "1" through "122" herein, as though more fully set forth herein at length.

124. The actions of the defendants herein-above alleged, were malicious, willful and grossly negligent.

125. The conduct of the defendants was done with the utter disregard as to the injuries that would ensue and with depraved indifference to the health and well-being of children, and to the fact that defendants knowingly subjected children, including the plaintiff, to sexual predators.

126. The Catholic School Defendants, by and through their agents representatives, conspired to cover up incidents of sexual abuse of minors by priests, teachers, and administrators, including Williams, and to prevent disclosure, prosecution and civil litigation including but not limited to: failing to report incidents of childhood sexual abuse to law enforcement or child protection agencies; denying of abuse the Catholic School Defendnats had substantiated; aiding criminal child molesters in evading detection, arrest and prosecution; allowing pedophile to cross state and international borders for purposes of gaining access to uninformed parents' children whom they could sexually abuse; failing to warn; failing to seek out and redress the injuries its

adult teachers, administrators, and priests had caused.

127. Based on these actions, the Catholic School Defendants, by and through their agents and representatives, conspired for the unlawful purposed of concealing and suppressing information on the danger and treat that Williams posed to unsuspecting children including Wagner.

128. Upon Information and belief, the Catholic School Defendants engaged in a plan of action to cover up incidents of the sexual abuse of minors by priests, teachers, and administrators and prevent disclosure, prosecution, and civil litigation including but not limited to: failing to report incidents of abuse to law enforcement or child protection agencies; concealing abuse they had substantiated and failing to seek out and redress the injuries its priests, teachers, and administrators had caused.

129. Based on these actions the Catholic School defendants engaged in fraudulent concealment.

130. As a result of the defendants conduct that was wanton, reckless, malicious, and a conscious indifference and utter disregard of its effect on the health, safety and right of other including plaintiff, plaintiff is entitled to recover punitive damages in the amount to be determined by the finder of fact.

131. By reason of the foregoing, the plaintiff, demands judgment for punitive damages against all the defendants, in a sum exceeding the jurisdictional limits of all the lower courts.

DAMAGES

As a direct and proximate result of the aforesaid acts of the defendants, the plaintiff, KEITH WAGNER, sustained damages and injuries in an amount to be determined by a jury to be fair and equitable compensation.

(A) Plaintiff, KEITH WAGNER, claims damages for past and future pain and suffering; and

(B) Plaintiff, KEITH WAGNER, claims damages claims damages for assault and battery, sexual molestation and assault of a minor, and sexual battery; and

(C) Plaintiff, KEITH WAGNER, claims damages for intentional infliction of emotional distress; and

(D) Plaintiff, KEITH WAGNER, claims damages claims damages for negligence, negligent hiring and retention, supervision and training; and

(E) Plaintiff, KEITH WAGNER, claims damages for negligent infliction of emotional distress; and

(F) Plaintiff, KEITH WAGNER, claims damages claims damages for punitive damages; and

(G) For costs, disbursement and attorney's fees as permissible under the law; and

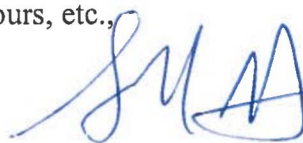
(H) Damages are claimed on behalf of each plaintiff in an amount which a jury shall determine to be fair and equitable; and

(I) All plaintiffs claim damages for punitive damages against the defendants, in an amount which a jury shall determine is appropriate to deter future similar conduct; and

(J) Such other and further relief as to this Court may seem just equitable and proper.

DATED: Brooklyn, New York
August 14, 2019

Yours, etc.,



RUBENSTEIN & RYNECKI, ESQS.
Attorneys for Plaintiffs
16 Court Street Suite 1717
Brooklyn, New York 11241
(718) 522-1020

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)

) SS:

COUNTY OF KINGS)

KEITH WAGNER, being duly sworn, deposes and says, that deponent is the plaintiff in the within action; that deponent has read the foregoing COMPLAINT and knows the contents hereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters deponent believes them to be true.


KEITH WAGNER

Sworn to before me this 14th
day of August, 2019


NOTARY PUBLIC

SHARON S. KHAN
Notary Public, State of New York
No. 01KH6159683
Qualified in Kings County
Commission Expires January 22, 2023